

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Anthony C. Lawrence
Anderson, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Katherine A. Cornelius
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

In the Termination of the Parent-
Child Relationship of:

G.R. (*Minor Child*),

and

E.B. (*Father*),

Appellant-Respondent,

v.

Indiana Department of Child
Services,

Appellee-Petitioner,

May 5, 2021

Court of Appeals Case No.
20A-JT-2044

Appeal from the Henry Circuit
Court

The Honorable Bob A. Witham,
Judge

Trial Court Cause No.
33C01-2004-JT-15

Robb, Judge.

Case Summary and Issue

- [1] E.B. (“Father”) appeals the termination of his parental rights to his minor child and raises several issues which we consolidate and restate as whether the juvenile court’s order is clearly erroneous. Concluding it is not, we affirm.

Facts and Procedural History

- [2] J.B. (“Mother”)¹ and Father are the biological parents of G.R. (“Child”), born January 17, 2017. Father lived in California where he and his family were involved in the street gang MS-13. At some point, Father was imprisoned in California. When he was released, he moved to North Carolina where he met Mother and Child was conceived. Before Child was born, Father was imprisoned for six months in Georgia for aggravated assault after he stabbed a biker. At the time of Child’s birth, paternity had not been established. Upon Father’s release, he transferred his probation and returned to North Carolina one month after Child’s birth. Mother and Father rekindled their relationship and Mother became pregnant with their second child. By court order, Father was not able to leave North Carolina until he was released from probation.
- [3] Due to Father’s violence, Mother feared for her own safety, fled North Carolina with Child, and moved to Henry County, Indiana. Mother did not tell Father

¹ In June 2020, Mother signed a Consent for Adoption and does not participate in this appeal. Therefore, we have limited our recitation of the facts to those pertaining to Father except where necessary.

where she was and only maintained limited electronic contact with him. The last time Father saw Child was in November 2017.

[4] On March 5, 2018, Mother gave birth to a stillborn child. Shortly thereafter, the Indiana Department of Child Services (“DCS”) became involved due to Mother’s leaving the hospital against medical advice after the birth of her stillborn, methamphetamine use, lack of stable housing, and leaving Child with other caregivers over a period of several days. Child was detained on April 12 and DCS filed a petition alleging Child was a child in need of services (“CHINS”) due to Mother’s neglect. DCS family case manager (“FCM”) Carrie Matthews was assigned the case.

[5] An initial hearing was held on April 16 at which Father failed to appear. Child was placed in foster care. Ultimately, Father appeared via telephone on June 14 and entered a denial. Child was adjudicated a CHINS on July 17, 2018. Father was still residing in North Carolina and was attending services; he participated in therapy and completed a parenting program. Paternity was established in January 2019.

[6] In February 2019, Father traveled to Indiana and attended an eight hour visit with Child. After the visit, Father told FCM Matthews “he was just gonna go ahead and move here and that he was working on some ideas on places[.]” Transcript, Volume 2 at 124. Father stated that his supervisor at his job in North Carolina “had another person . . . [in Indiana] in that same construction company [and] could get him a job.” *Id.* Matthews provided Father with a list

of housing options to contact in New Castle, including apartments, rental companies, the Housing Authority, and the Department of Housing and Urban Development. Matthews also indicated that DCS could assist Father with paying the first month of rent and a deposit so long as he had a budget plan he could maintain.

- [7] Father planned to come for another visit in March but cancelled because he could not afford it and intended to work toward moving to Indiana. Father was not able to get back to Indiana until May 30 and he went to a hotel in Anderson. The following day, at a hearing, Father reported that he completed parenting, substance abuse, and anger management classes and provided the certificates of completion to the FCM. The juvenile court subsequently entered a dispositional order requiring Father to (among other things): maintain weekly contact with the FCM; timely enroll in and successfully complete any services recommended by the FCM; maintain suitable and stable housing and income; refrain from consuming illicit substances; complete parenting and substance abuse assessments and follow all recommended treatment; and attend all scheduled visitations. *See* Exhibits, Volume 3 at 21-23. DCS put in appropriate referrals for Father, including supervised visitation, individual therapy, and case management to work on housing, employment, and parenting skills.² And at

² It is unclear exactly when these referrals were submitted.

some point, a court appointed special advocate (“CASA”) was assigned to the case. Father continued to live in the hotel.

[8] From June 2019 to January 2020, Cindy Bainter of the Youth Service Bureau supervised Father’s visitation and worked with him on obtaining employment, housing, and parenting skills. Father’s participation in case management, which was scheduled two times each week, was “hit or miss[.]” Tr., Vol. 2 at 69. During this time, Bainter supervised a visit at a park and recalled walking over to the picnic area when she noticed Father “got really kind of nervous . . . like looking around behind him and he would point out people. [J]ust different things . . . the way he looked around and everything.” *Id.* at 64. Father walked over to another man, lifted his shirt, and showed his tattoos; he later told Bainter that the man was also a gang member and “he had to pay respects to him and the guy asked him if he was there to recruit and he said he had to let him know he was not, he was there for his son.” *Id.* at 65.

[9] At another visit in a restaurant, Bainter noticed that Father had an eight-to-ten-inch knife in his sleeve and asked him to take it off and place it in the back of her car, but Father refused. During this time, Father also failed to complete the parenting curriculum and struggled to maintain employment. He would also miss weeks or months of visitations. Eventually, Father was discharged from Youth Service Bureau services as unsuccessful due to non-compliance.

[10] Following a review hearing in August, the juvenile court entered an order finding that Father had partially complied with the Child’s case plan; Father

completed a parenting assessment but missed several visits with Child; and Father was not financially stable “and [was] having health issues that he sa[id] have caused him to miss visits.” Exhibits, Vol. 3 at 26.

[11] After an emergency room visit in August 2019 for mental health concerns, Father was referred to Aspire for case management and therapy. Father began individual therapy with Bethany Williams and an initial evaluation was completed in September. Father was diagnosed with stimulant dependence, major depressive disorder, panic disorder, generalized anxiety disorder, and post-traumatic stress disorder (“PTSD”). Father had experienced multiple traumatic events in the past; specifically, physical and sexual abuse and neglect as a child. He also referenced being involved in a gang while in California but stated to Williams he was no longer involved “by virtue of having experienced a religious revelation, which would be a way that you could be excused from gang activity with this particular group.” Tr., Vol. 2 at 36. Father’s participation in therapy with Williams was not consistent; however, at one point, he was also involved with another provider. He met with Williams from October to early December and then missed eight appointments before he saw her again. *See id.* at 38.

[12] Sometime thereafter, Father threatened service providers, including FCM Matthews and Bainter, and visits were moved to the DCS office. In October,

Father moved to Indiana.³ And the juvenile court subsequently entered an order changing Child's permanency plan to reunification with a concurrent plan of adoption. In its order, the juvenile court found, in part, that Father failed to complete a parenting assessment or maintain stable employment and housing; he had been inconsistent with therapy, cancelling some visits or failing to appear; and he "is working on things[.]" Exhibits, Vol. 3 at 31. The juvenile court also found that DCS had been working to schedule visits at the local DCS office "due to safety concerns." *Id.*

[13] The next month, Father began home-based counseling with Alex Coffey, care coordinator and life skills instructor at Aspire, to work on skills to find employment and cope with his depression and PTSD. At the time, he was living at the Christian Center, a homeless shelter for men in Anderson, and was employed at two different restaurants. Around the same time, Father completed a substance abuse evaluation at Aspire, which did not recommend any treatment. Father's engagement in home-based counseling was sporadic.

[14] On December 3, Father married M.B. but the two separated three days later. And around the same time, Father's visits with Child were suspended because he had not attended in a significant amount of time. In January 2020, Father obtained housing through a grant with Aspire. The grant provides recipients with funds for a deposit, utilities, and rent for a certain number of months,

³ It is unclear from the record whether Father returned to North Carolina from May to October, when he officially moved to Indiana.

allowing the recipient enough time to obtain employment and take over the payments. The grant was to expire at the end of April.

[15] In a February meeting, Father admitted to Matthews that he relapsed on methamphetamine in January and had been attending self-help groups. Matthews put in a referral for drug screens. The two also discussed the threats he made to Bainter, which was the reason his visits were moved to the DCS office. During the meeting, Father threatened Matthews. He “informed [her] that it would be as simple as making a phone call and that they could catch [her] at the stop light[.]” Tr., Vol. 2 at 120. Father had also previously threatened her, which was reported to the police, by stating “he would have [her] taken out if [she] wasn’t a woman, that all it would take was a phone call, and his homies would take care of [her].” *Id.*

[16] Another review hearing was held on March 6, 2020. The juvenile court subsequently issued an order finding:

Father does not currently have stable employment. Father does currently have an apartment through Aspire, however, has stopped attending his services through Aspire, including case management and therapy. Father did admit to relapsing on methamphetamine and provided paperwork to show that he is attending self-help groups. Father has not attended a visit with the Child since [November 15, 2019] and DCS is requesting that all of Father’s visits with the Child cease at this time. In addition, DCS reports that Father threatened the FCM again. . . .

Exhibits, Vol. 3 at 38. The juvenile court granted DCS’ request to cease all visits between Father and Child.

[17] On April 22, DCS filed its Verified Petition for Involuntary Termination of Father's parental rights. The next month, Father decided he no longer needed any services and told his providers that he wanted to stop services. However, from FCM Matthews' "understanding in talking to his [service] providers, he had been scattered on his attendance saying that with his work schedule that he just couldn't meet with them." Tr., Vol. 2 at 146. Father did not engage in treatment from May to July. In July, Father began outpatient therapy with Katie Keesling at Aspire; she recommended he attend a twelve-week extended outpatient program. Eventually, Father became non-compliant and Keesling was unable to contact him. She later sent him a letter stating if he did not return to treatment by a specific date, his chart would be closed. Father failed to return as required.

[18] Father tested positive for methamphetamine and amphetamine on July 1, 8, and 29, and August 17. In August, Father called FCM Matthews and informed her that he was going to the Anderson Center, an inpatient mental health facility, stating that "he couldn't take it anymore." *Id.* at 121. Father was admitted to the Anderson Center for suicidality and a new referral for Aspire was submitted. Father admitted to using methamphetamine several days before his crisis call. Later that month, Father went to a job interview. Father believed the interview did not go well and became distressed. He called Williams and told her "he wanted to kill himself and that his plan to do that was to aggravate or assault a police officer in such a fashion that the officer would shoot him[.]" *Id.* at 31. He also admitted to using methamphetamine

that morning. Williams talked to Father on the phone for some time and was able to de-escalate him. He returned safely to Anderson.

[19] A fact-finding hearing was held on September 2 and 28. On September 2, Father failed to appear, and the juvenile court proceeded with the hearing. Father's counsel later informed the court that Father had been in a single vehicle accident and had gone to the hospital. At the time of the accident, Father was traveling at a high speed, did not have auto insurance or a valid operator's license, and his registration was expired. He later testified that his car flipped numerous times, he was in and out of consciousness as a result of the accident, and he suffered injuries that prevented him from obtaining employment. However, medical records revealed no serious injuries or restrictions. Also at the time of the hearing, Father owed thousands of dollars in child support, did not have a job, was three months behind in rent, and had received a notice he would be evicted on October 31.

[20] Following the hearing, the juvenile court entered an order terminating Father's parental rights and finding, in pertinent part:

9. Father had no in-person contact with [Child] from August 2017 to January 2019.

* * *

22. Father has repeatedly failed to comply with the provisions of his Dispositional Order[.]

23. Father has repeatedly exhibited impulsivity in serious matters having impact on his son, leading the Court to find that [Father] does not have the ability to make reasoned and safe choices for himself, and more importantly in this case, his [C]hild[.] Examples of that impulsivity include:

a. Marrying [M.B.] on December 3, 2019, separating from her three (3) days later, and filing for divorce on February 12, 2020. That divorce has since been granted.

b. Making a crisis call to personnel at Aspire . . . resulting in Father being admitted to the Anderson Center . . . for suicidality.

c. Making a crisis call to personnel at Aspire . . . in which Father, while highly distraught, stated that he planned to agitate police officers into shooting him to bring about an act of “suicide by cop.”

d. Engaging in a single-vehicle auto crash while traveling at a high rate of speed during daylight hours on a dry and unobstructed roadway on the opening day of evidence in a vehicle which he had purchased on contract and was operating with no insurance, no valid operator’s license, and an expired registration.

* * *

26. Father engaged in inappropriate telephone conversations involving hostility, loud cursing, berating and name-calling (including referring to others as “b****”, “wh****” and

“sl**”), all within the hearing of [Child] during a supervised visit.

27. During supervised visits, Father exhibited emotional instability, at times spoke of suicide and cried randomly. [Child] became quiet and withdrawn during his father’s breakdowns.

* * *

35. Father continues to struggle with his mental and physical health, texting the [FCM], stating, [“][T]he truth is I’m not doing well. I’m off and on drugs. I’m having a horrible time. . . . I just lost control of me.”

36. In testimony, Father displaced responsibility for his lack of progress in successfully parenting [Child] by claiming that he had been in Indiana for over a year, was receiving no help, and was attempting to get his life in order by his own efforts.

37. He is unwilling or unable to acknowledge that multiple resources have been offered for his self-advancement.

38. At the hospital (as noted in the Emergency Room records) on September 2nd, Father exaggerated the physiological impact of his single-car crash.

* * *

40. In his testimony at the evidentiary hearing, Father exaggerated the physiological impact of his crash, claiming to have been in and out of consciousness notwithstanding having denied to ER personnel that he had lost

consciousness, having removed himself from the vehicle, and having been ambulatory at the scene.

* * *

54. Father continues his decades' long history of cycling between periods of use and non-use of Methamphetamine; the cycling impedes Father's ability to successfully act as a single parent to his son.

* * *

56. Since [Father] moved to Indiana in October 2019, he has continued to have unstable housing, including living at the Christian Center (an Anderson, IN-based homeless shelter for men), at the Guest House (a New Castle homeless shelter), several motels, and "on the streets[.]" as well as in short term supported apartment provided as a part [sic] of his therapy at Aspire. Father is three (3) months behind on his apartment's rent and has received notice of eviction from his housing on October 31, 2020.
57. [Father]'s longest period of consecutive employment at the same job in Indiana has been less than two (2) months[.]

* * *

. . . While it is clear that Father loves his son, Father is unable due to his own untreated mental health needs to successfully parent a pre-school aged child as a single parent. Further, Father does not exhibit an understanding of the developmental needs of a child of [Child's] age and seeks to have the child meet Father's emotional needs rather than supporting those of the child. Finally, [Child]

is strongly bonded to the placement family, who he sees as his mother and father, having lived with them for more than half of his young life; he is not bonded to [Father].

Appealed Order at 2-6. Based on these findings, the juvenile court concluded there is a reasonable probability the conditions that led to Child's removal and continued placement outside Father's care will not be remedied, the parent-child relationship poses a threat to Child's well-being, and termination of Father's parental rights is in Child's best interests. Father now appeals.

Discussion and Decision

I. Standard of Review

[21] The Fourteenth Amendment to the United States Constitution protects the right of parents to establish a home and raise their children. *In re Adoption of O.R.*, 16 N.E.3d 965, 972 (Ind. 2014). But the law also provides for the termination of those rights when parents are unable or unwilling to meet their parental responsibilities. *Matter of J.S.*, 133 N.E.3d 707, 714 (Ind. Ct. App. 2019). Although we acknowledge that the parent-child relationship is “one of the most valued relationships in our culture[,]” we also recognize that “parental interests are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate parental rights.” *Bester v. Lake Cnty. Off. of Family & Child.*, 839 N.E.2d 143, 147 (Ind. 2005) (internal quotations omitted). The involuntary termination of parental rights is the most extreme sanction a court can impose because termination severs all rights of a

parent to their children. *In re R.A.*, 19 N.E.3d 313, 321 (Ind. Ct. App. 2014), *trans. denied*. As such, termination is intended as a last resort, available only when all other reasonable efforts have failed. *Id.* The purpose of terminating parental rights is to protect children, not to punish parents. *In re C.D.*, 141 N.E.3d 845, 852 (Ind. Ct. App. 2020), *trans. denied*.

[22] When reviewing the termination of parental rights, we do not reweigh the evidence or judge the credibility of witnesses but consider only the evidence and reasonable inferences most favorable to the judgment. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). In deference to the juvenile court's unique position to assess the evidence, we will set aside its judgment terminating a parent-child relationship only if it is clearly erroneous. *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied, cert. denied*, 534 U.S. 1161 (2002). Thus, if the evidence and inferences support the decision, we must affirm. *Id.*

[23] When terminating parental rights, the juvenile court must enter findings to support its conclusions, Ind. Code § 31-35-2-8(c), and we therefore apply a two-tiered standard of review, *Bester*, 839 N.E.2d at 147. We first determine whether the evidence supports the findings, then determine whether the findings support the judgment. *Id.* We will not set aside the findings or judgment unless they are clearly erroneous. *Z.B. v. Ind. Dep't of Child Servs.*, 108 N.E.3d 895, 900 (Ind. Ct. App. 2018) (quotation omitted), *trans. denied*. "Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference." *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). A judgment is clearly erroneous only if the findings do not

support the court's conclusions or the conclusions do not support the judgment thereon. *Id.*

II. Statutory Framework

[24] To terminate a parent-child relationship, DCS must allege and prove, in pertinent part:

(B) that one (1) of the following is true:

(i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.

(ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.

(iii) The child has, on two (2) separate occasions, been adjudicated a [CHINS];

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2)(B).

[25] DCS must prove each element by clear and convincing evidence. Ind. Code § 31-37-14-2. Indiana Code section 31-35-2-4(b)(2)(B) is written in the

disjunctive, and therefore the juvenile court need only find that one of the requirements of subsection (b)(2)(B) was established by clear and convincing evidence. *See In re L.S.*, 717 N.E.2d at 209. If the juvenile court finds the allegations are true, “the court shall terminate the parent-child relationship.” Ind. Code § 31-35-2-8(a).

III. Termination of Father’s Parental Rights

[26] Father does not challenge any of the juvenile court’s findings of fact; therefore, we accept the findings as true. *In re A.M.*, 121 N.E.3d 556, 562 (Ind. Ct. App. 2019), *trans. denied*. Father alleges the juvenile court’s conclusions that there is a reasonable probability that the conditions that led to Child’s removal and continued placement outside of his care will not be remedied, the parent-child relationship poses a threat to Child’s well-being, and termination is in Child’s best interests, are clearly erroneous.

A. Remedy of Conditions

[27] We engage in a two-step analysis to determine whether the conditions that led to removal will be remedied: “First, we must ascertain what conditions led to [Child’s] placement and retention in foster care. Second, we determine whether there is a reasonable probability that those conditions will not be remedied.” *In re K.T.K.*, 989 N.E.2d 1225, 1231 (Ind. 2013) (quotation omitted). With respect to the second step, a juvenile court assesses whether a reasonable probability exists that the conditions justifying a child’s removal or continued placement outside his parent’s care will not be remedied by judging the parent’s fitness to

care for the child at the time of the termination hearing, taking into consideration evidence of changed conditions since removal. *In re E.M.*, 4 N.E.3d at 643.

[28] A parent’s habitual patterns of conduct must also be evaluated to determine the probability of future neglect or deprivation of the child. *Matter of K.T.*, 137 N.E.3d 317, 326 (Ind. Ct. App. 2019). Habitual conduct may include criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment, but the services offered to the parent and the parent’s response to those services can also be evidence of whether conditions will be remedied. *A.D.S v. Ind. Dep’t of Child Servs.*, 987 N.E.2d 1150, 1157 (Ind. Ct. App. 2013), *trans. denied*. And such a determination “must be founded on factually-based occurrences as documented in the record—not simply speculative or *possible* future harms.” *In re V.A.*, 51 N.E.3d 1140, 1146 (Ind. 2016). DCS need not “provide evidence ruling out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent’s behavior will not change.” *In re I.A.*, 903 N.E.2d 146, 154 (Ind. Ct. App. 2009).

[29] We begin by acknowledging that DCS initially became involved with this family due to Mother’s conduct. However, Child was never placed with Father due to his inconsistent participation in services, untreated mental illness and impulsivity, substance abuse, and overall lack of stability.

- [30] First, the record demonstrates Father’s pattern of inconsistent participation in services. FCM Matthews was assigned the case in April 2018. She testified that Father did participate in therapy, home-based casework, and visitation. However, she also testified that Father did not enroll in and complete *all* services; he also failed to keep all appointments with services providers, DCS, and the CASA. *See* Tr., Vol. 2 at 111, 116. Father did not complete substance abuse treatment.
- [31] From June 2019 to January 2020, Father participated in home-based counseling with Bainter; she also supervised his visits with Child. However, Father failed to comply and would not contact Bainter about visitation. As a result, the service was closed out. Coffey then worked with Father from November 2019 to May 2020. She testified that Father’s participation in home-based counseling was sporadic. “He would engage well for several weeks at a time and then miss or late cancel or try to move the time of appointments for several weeks at a time.” *Id.* at 82. In May, Coffey closed out his file when Father asked to disengage because the appointments “were taking up more time and making it hard to get his son back.” *Id.* At that time, Father had employment and housing but failed to have a childcare plan and had not visited Child since November 2019.
- [32] Second, Father’s struggle with mental illness and impulsivity has not been remedied. Unfortunately, Father has experienced trauma and suffers from PTSD, depression, anxiety, suicidal ideation, and stimulant dependence. During this case, Father expressed suicidal thoughts and as a result, made two

crisis calls resulting in hospitalization – one of which occurred in the months prior to the fact-finding hearing. At the hearing, Father testified, “I just felt suicidal with everything that is going on. Was overwhelmed with life anxieties, living everything by myself[.]” *Id.* at 180. In fact, on the first day of the fact-finding hearing, Father was in a vehicle accident and exaggerated his physical injuries. CASA Susan Stamper testified that she was concerned that this accident was a deliberate act, intended for self-harm.

[33] In addition, Father demonstrated impulsive behavior. Williams explained that Father “struggles with impulsive decision-making. It is challenging for him often to kind of anticipate the long-term consequences of some of his actions.” *Id.* at 34. One example of this behavior is Father’s marriage and separation three days later and subsequent divorce. This poses a concern for Father’s ability to safely parent and care for Child.

[34] And third, Father has demonstrated a general lack of stability. Bainter, who worked with Father from June 2019 to January 2020, testified that she had concerns about Father’s overall stability. She stated that Father “seemed to be very emotional, . . . emotionally unstable. He would talk about suicide, possibility of how his medical [sic] was so bad. His mental state wasn’t good and he would break down and cry at random times. Sometimes it was uncontrollable.” *Id.* at 67. When Father would break down, Child would become “very quiet and withdrawn [and would] turn[] away from him.” *Id.* Bainter even ended one of Father’s visits due to his behavior. She also had concerns about Father’s ability to parent and support Child; when she last

observed a visit, she did not feel Father could safely parent. “He could not provide for [Child]. He . . . struggled to get diapers and wipes and food for him. [T]here was no bond so . . . he would continue to like nag [Child] about, saying he loved him[.]” *Id.* at 62. Ultimately, Bainter believed that Father never reached a point of significant stability.

[35] CASA Stamper also testified about her concerns regarding Father’s ability to safely parent Child:

I have grave concerns for his substance abuse; that he is actively engaged in addiction at this point in time. I have severe and significant concerns for his mental health and his ability to maintain himself. [H]e’s considered a high risk for suicide. His on and off again affiliation with gang activity. He professes at some times that he’s out of MS-13 and other times, he makes viable threats to other persons that . . . he still has brothers and . . . we can all still be taken care of.

Id. at 92.

[36] Although Father had several jobs during the course of this case, his longest period of employment in the same job was less than two months. Coffey stated that Father did not have a stable budget; she linked him to various resources but was unaware of whether Father followed through. In addition, Father did not obtain stable housing until January 2020, through a grant. But at the time of the hearing, he was three months behind on rent and had received notice of eviction. Therefore, he has not maintained independent housing.

[37] And finally, the evidence also shows Father has failed to remedy his problem with substance abuse. Father has used methamphetamine off and on for twenty years. He relapsed in January 2020 and again in the months prior to the fact-finding hearing, which clearly establishes that Father has failed to remedy this condition. Given the ample evidence in the record of Father's inconsistent participation in services, untreated mental illness, substance abuse, and overall lack of stability, we conclude there is sufficient evidence to support the juvenile court's conclusion there is a reasonable probability that the conditions that led to Child's removal and continued placement outside Father's care will not be remedied.⁴

B. Best Interests of Child

[38] "Permanency is a central consideration in determining the best interests of a child." *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009). To determine the best interests of children, the juvenile court looks to the totality of the evidence and must subordinate the interests of the parents to those of the child. *In re D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*. The juvenile court need not wait until a child is irreversibly harmed before terminating parental rights. *McBride v. Monroe Cnty. Off. of Family & Child.*, 798 N.E.2d 185, 203 (Ind. Ct.

⁴ The juvenile court also concluded there is a reasonable probability that the continuation of the parent-child relationship poses a risk to the well-being of Child. Father also challenges this conclusion. However, having already concluded the evidence is sufficient to show a reasonable probability that the conditions will not be remedied, we need not consider whether the parent-child relationship poses a threat to Child's well-being. See *In re L.S.*, 717 N.E.2d at 209; see also Ind. Code § 31-35-2-4(b)(2)(B).

App. 2003). Recommendations of the FCM and CASA, in addition to evidence that the conditions resulting in removal will not be remedied, are sufficient to show by clear and convincing evidence that termination is in the child's best interest. *In re A.S.*, 17 N.E.3d 994, 1005 (Ind. Ct. App. 2014), *trans. denied*.

[39] CASA Stamper and FCM Matthews both testified that termination of Father's parental rights is in Child's best interests. Tr., Vol. 2 at 90, 125. Stamper testified that she has concerns about Father's ability to parent Child due to his lack of stability, i.e., his lack of housing, employment, and bond with Child:

[Father] had some difficulty engaging upon first detention. It took a while for him to actually get to Indiana to begin to learn and know his son. Consistency within services, consistency with even maintaining or developing a bond with his child was on and off. At different times, [Father] would have a job or at different times, [Father] would have housing. At different times, he would have consistent visits. None of those ever coincided together. If he had one, he didn't have the other.

Id. at 90. And when asked whether DCS believed it is in Child's best interest for Father's parental rights to be "severed due to his on-going inability to maintain stability for himself, provide for himself, and also to provide for his son's needs[,]” Matthews answered in the affirmative. *Id.* at 125. She also testified that she saw Child recently and “he is completely bonded with [his] foster family.” *Id.*

[40] Having already concluded there is evidence that the conditions resulting in removal will not be remedied, this testimony is sufficient evidence to support the juvenile court's conclusion that termination of Father's parental rights is in Child's best interests. *See In re A.S.*, 17 N.E.3d at 1005.

Conclusion

[41] We conclude DCS presented sufficient evidence to support the juvenile court's order terminating Father's parental rights to Child. Accordingly, the order was not clearly erroneous, and the judgment of the juvenile court is affirmed.

[42] Affirmed.

Bailey, J., and May, J., concur.